

IN RE: PETITION FOR ZONING VARIANCE  
36/Corner Hallmark Circle  
and Hallmark Court  
(8406 Hallmark Circle)  
14th Election District  
6th Councilmanic District  
Wilburn E. Westley, et ux  
Petitioners

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 90-192-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a recreational vehicle (trailer boat) to be located in the side/front yard in lieu of the required 8 feet behind a lateral projection of the front foundation line of the dwelling, in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. Also appearing on behalf of the Petition were Mr. & Mrs. Ehring, adjoining property owners.

Testimony indicated that the subject property, known as 8406 Hallmark Circle, consists of .20 acres zoned D.R. 5.5 and is improved with a one-story duplex dwelling which has been Petitioners' residence for the past six months. Petitioners own a 19' aluminum Starcraft boat and wish to store same on their property. However, due to the size of the lot and the grading of the land, Petitioners are limited to the front yard for storage as set forth in Petitioner's Exhibit 1. Mr. Westley testified that he and the adjoining neighbor, Leroy (John) Wetts of 3601 Hallmark Court, had different opinions regarding construction of a trellis on the property and storage of the boat in the front yard. Mr. Westley then contacted Baltimore County regarding front yard storage of the boat and was advised that such would be in violation of the zoning regulations and shortly thereafter, a complaint was filed by Mr. Wetts. Petitioners subsequently filed the instant Petition to permit front yard storage of the

boat. Mr. Westley testified that he and his neighbors have discussed the matter, and the parties have worked out their differences. Mr. Ehring, Petitioners' neighbor on the opposite side, testified that he does not believe the parking of the boat in the front yard is a detriment to the health, safety or general welfare of the community and is in agreement with Petitioners that parking the boat elsewhere on the subject property is impossible due to the lot configuration and severe slope. It should be noted that Mr. & Mrs. Wetts were notified of the hearing on this matter but failed to appear. Subsequent to the hearing, a letter from the Wetts was submitted by Petitioner indicating the variance requested was acceptable.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of December, 1989 that the Petition for Zoning Variance to permit a recreational vehicle (trailer boat) to be located in the side/front yard in lieu of the required 8 feet behind a

lateral projection of the front foundation line of the dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The variance granted herein is limited to the Petitioners only and their storage of a boat not to exceed 19 feet in length in the area depicted in Petitioner's Exhibit 1. The variance granted shall expire at such time as Petitioners no longer reside on the subject property or the property is sold, whichever occurs first.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjs

#### ZONING DESCRIPTION

Being located on the southwest corner of Hallmark Circle and Hallmark Court, being Lot 47, Sect. 3 in the subdivision of Hallmark Manor, Book No. 28, folio 61. Also known as 8406 Hallmark Circle in the 14th Election District.

#### CERTIFICATE OF PUBLICATION

November 2, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 1, 1989.

NORTHEAST TIMES BOOSTER and the  
NORTHEAST TIMES REPORTER

S. Z. Beck  
Publisher

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 9:30 a.m.

Petition for Zoning Variance  
Case number 90-192-A  
SVC: Hallmark Circle & Hallmark Court  
8406 Hallmark Circle  
14th Election District  
6th Councilmanic District  
Petitioners:  
Wilburn E. Westley, et ux  
Hearing Date: November 2, 1989 at 9:30 a.m.

Variance: To allow a recreational vehicle (trailer boat) to be located in the side/front yard in lieu of the required 8 feet behind a lateral projection of the front foundation line of the dwelling. In the event that the variance is granted, a building permit may be issued for the structure during the appeal period. The Zoning Commission will, however, determine any request for a stay of the issuance of said permit during the period for good cause shown. Such request must be in writing and received in the office by the date of the hearing and shall be presented at the hearing.

NOTE:  
If "PHASE II" of the "EMERGENCY PLAN" is in effect in Baltimore County on the date of the hearing, the hearing will be postponed to the next date on which the emergency plan is not in effect. The hearing will be held at the same time and place as the hearing on the variance.

J. ROBERT HANES  
Zoning Commissioner of Baltimore County  
11/1/89 Nov. 2

#### PETITION FOR ZONING VARIANCE 90-192-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 115.4.1.1. to allow a recreational vehicle (trailer boat) to be located in the side/front yard in lieu of the required 8 feet behind a lateral projection of the front foundation line of the dwelling.

- 1) Duplex home with access on one side only  
2) Irregular shape of property  
a) land is located predominately in the front  
b) excessive slope on side property  
3) Storage of boat 8' beyond front of dwelling would prevent Fire Dept. or owner access to side entrance and rear of property  
4) Please see attached letter

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Wilburn E. Westley

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Wilburn E. Westley

Name

8406 Hallmark Circle

Address

Baltimore, Md. 21234

City and State

Phone No.

668-6572

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of

Sept. 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-out Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Maryland, on the 27th day of Sept. 1989 at 9:30 a.m.

Copy, on the 27th day of Sept. 1989, at 1:30 o'clock

A. M.

J. Robert Hanes

Zoning Commissioner of Baltimore County

Zoning Commissioner  
Bureau of Building Permits and Inspection  
Baltimore County, Maryland

Gentlemen,

I moved from Baltimore City to 8406 Hallmark Circle, Baltimore County in May This year. Four days after I moved into the residence my neighbor informed me that I would have to move my boat from the side yard of my house. My boat is a 18' aluminum starcraft on a trailer. Apparently, he filed a complaint to Baltimore Co. because a Mr. Leonard Wasilewski stopped by my house and wrote up a notice for alleged zoning violation.

Mr. Wasilewski told me that my boat had to be 8' beyond the front of my house and 21/2' from side lot line. Mr. Wasilewski talked to me on the phone and told me that I have a difficult situation and agreed that the complaint was petty, but he had to file the complaint.

Sir, my house is semi-detached and I have only one side open. The property line funnels very quickly and at the same time drops down approximately 2' from 12' beyond the front of the house to the rear of the house.

It is utterly impossible to be able to store my boat in the side of the yard and 8' beyond the front of the house. I would not be able to use the side entrance to my house and would not be able to get through to the rear of my yard. In case of a fire the fire department would not be able to get to the rear of my property.

If I tried to back the boat into the rear of my yard the boat would flip over into the next yard. Most of my property is on the side at the front of my house. The property is extremely irregular in shape and is probably the worst condition in the hallmark area. 70% of my property is on the front/side of my house.

Enclosed is a drawing of my property. Please review the drawing and if possible please have someone from the zoning department visit the site to review the conditions.

I am a tax payer the same as the neighbor who complained and as a matter of fact I am paying higher taxes than he is because all my property is frontage on Hallmark Circle.

I ask that you will please review the conditions and grant me permission by special exception to be able to store my boat on the side yard. Otherwise I will be forced to sell my boat. I cannot afford to file for a variance at this time due to the lack of available funds.

Thank you for your consideration.

Sincerely yours,  
Wilburn E. Westley  
8406 Hallmark Circle  
Baltimore Co. Md. 21234

cc. Captain Bill Brady Fire Dept.

#### CERTIFICATE OF PUBLICATION

TOWSON, MD. November 2, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 2, 1989.

THE JEFFERSONIAN,

S. Z. Beck  
Publisher

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 9:30 a.m.

Petition for Zoning Variance  
Case number 90-192-A  
SVC: Hallmark Circle & Hallmark Court  
8406 Hallmark Circle  
14th Election District  
6th Councilmanic District  
Petitioners:  
Wilburn E. Westley, et ux  
Hearing Date: November 2, 1989 at 9:30 a.m.

Variance: To allow a recreational vehicle (trailer boat) to be located in the side/front yard in lieu of the required 8 feet behind a lateral projection of the front foundation line of the dwelling. In the event that the variance is granted, a building permit may be issued for the structure during the appeal period. The Zoning Commission will, however, determine any request for a stay of the issuance of said permit during the period for good cause shown. Such request must be in writing and received in the office by the date of the hearing and shall be presented at the hearing.

NOTE:  
If "PHASE II" of the "EMERGENCY PLAN" is in effect in Baltimore County on the date of the hearing, the hearing will be postponed to the next date on which the emergency plan is not in effect. The hearing will be held at the same time and place as the hearing on the variance.

J. ROBERT HANES  
Zoning Commissioner of Baltimore County  
11/1/89 Nov. 2



12-3-89  
Petition for Zoning Variance  
Case number 90-192-A  
8406 Hallmark Circle  
To: Deputy Zoning Commissioner  
Ann Nastarowitz

RECEIVED  
DEC 7 1989  
ZONING OFFICE

Attention: Ann Nastarowitz

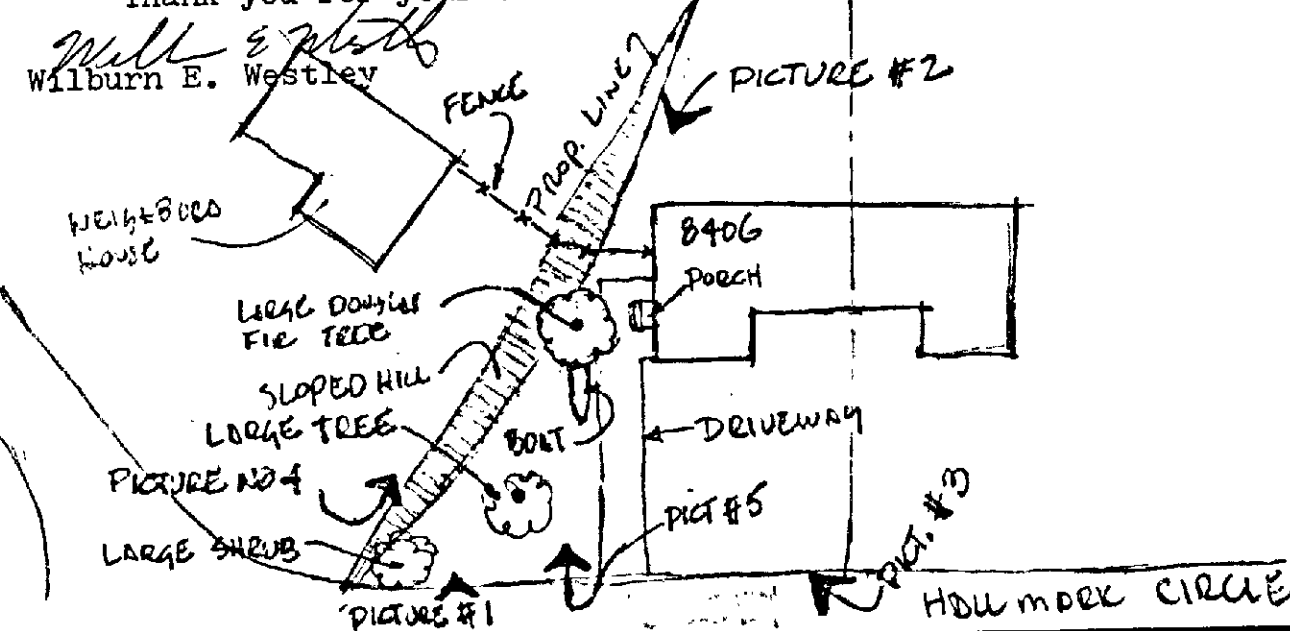
I have enclosed some pictures and an explanation of the conditions for having to store my boat on the side of my yard. Believe me, I would be more than glad to put the boat in the back yard or on the side of my house beyond the front it it could be possible. If you physically visited the property, you would agree with my complaint.

The side yard slopes from front to rear and from 12 feet off the side of my house to the property line. If the boat was set back to the side of my house it would hit the side porch and prevent me from using the side door.

I keep the boat covered during the winter to protect it from the elements. In the summer I remove the cover and the boat is clean and attractive. The side yard where I presently have the boat is very large.

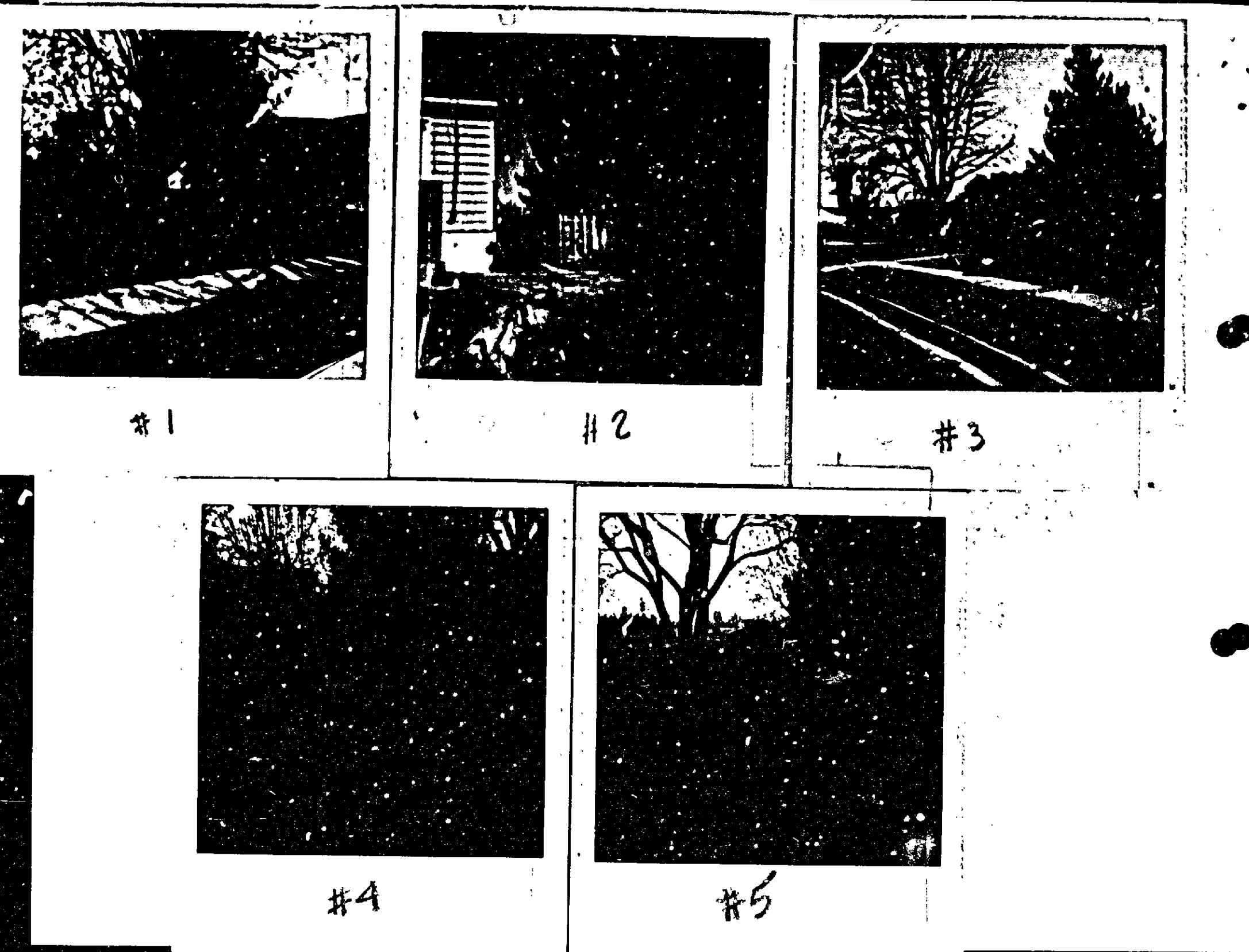
The sketch below shows where the pictures were taken.

Thank you for your consideration I remain,



The numbers below correspond to the numbers on the pictures.

- No. 1 The arrow in red on the picture shows the steep hill line along the side of my property. Notice that the fence in the background (fence is six feet high) disappears into the slope as it runs toward my house. This shows how bad the property slopes. It also slopes from front of house down toward the back yard.
- No. 2 This picture is taken from the rear of my yard. The red "x" notxd in the picture is the top of the sloping hill. From the front of my house to the "x" shown on the picture, the ground slopes 3 1/2 feet, and from the "x" to the property line the ground slopes approximately 4 feet. From the house to the "x" on the photo the distance is six feet.
- No. 3 Picture taken from the street on the opposite side of my property. Notice that the boat is shoved as far back into the tree as possible. The boat does not project any farther forward than the car parked in the driveway.
- No. 4 This picture is taken between my property and my neighbors. The red arrow points to the steep slope. From the left side of the picture to the house next door the distance is 25 feet or more. Notice the distance from the edge of my property (bottom of hill) to the boat.
- No. 5 This picture was taken in front of the boat which is shoved back into the large douglas fir tree. Again notice the distance from the boat to the property next door.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: James Dyer  
Zoning Supervisor  
Date: August 4, 1989

FROM: James Thompson  
Zoning Enforcement Coordinator

SUBJECT: Item No. 45 (if known)  
Petitioner: Westley (if known)

VIOLATION CASE # C-89-2401

LOCATION OF VIOLATION 8406 Hallmark Circle  
DEPENDANT Wilburn & Claire Westley ADDRESS Baltimore, MD 21234

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS  
John Wetts 3601 Hallmark Circle Court  
Baltimore, MD 21234

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

Mr. & Mrs. Wilburn E. Westley  
8406 Hallmark Circle  
Baltimore, Maryland 21234

Re: Petition for Zoning Variance  
CASE NUMBER: 90-192-A  
SNC Hallmark Circle & Hallmark Court  
8406 Hallmark Circle  
14th Election District - 6th Councilmanic  
Petitioner(s): Wilburn E. Westley, et ux  
HEARING: MONDAY, NOVEMBER 27, 1989 at 9:30 a.m.

Dear Mr. & Mrs. Westley:

Please be advised that \$114.93 is due for advertising and posting of the above captioned property.

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Account: R 001 6150  
Number: 425

90-192

Date:

12/13/89

FORWARDING FEES

POSTAGE & FREIGHT CHARGES

ADVERTISING CHARGES

OTHER CHARGES

TOTAL DUE ON ACCOUNT OF THIS RECEIPT

\$ 114.93

Please make checks payable to Baltimore County

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

October 15, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 90-192-A  
SNC Hallmark Circle & Hallmark Court  
8406 Hallmark Circle  
14th Election District - 6th Councilmanic  
Petitioner(s): Wilburn E. Westley, et ux  
HEARING: MONDAY, NOVEMBER 27, 1989 at 9:30 a.m.

Variance: To allow a recreational vehicle (trailer boat) to be located in the side/front yard in lieu of the required 8 feet behind a lateral projection of the front foundation line of the dwelling.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:  
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the Hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. Robert Haines

J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

JRH:gs  
cc: Mr. & Mrs. Westley  
John Wetts  
File

To Whom It May Concern: Dec 4, 1989  
This is to advise that the present location of Mr. Westley's boat is acceptable and we have reached an agreement regarding same.

Norma L. Thette  
Larry E. Wetts

12/13/89  
Mrs. Westley contacted by 847 661-7133  
replied ok-15



